

# Exhibit 20

**Exhibit 20**

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APR 30 2012

MORRISON & FOERSTER



U.S. Citizenship  
and Immigration  
Services

April 23, 2012

APP2012000148

Jason A. Malinsky  
Morrison and Foerster, LLP  
425 Market Street  
San Francisco, CA 94105-2482

Dear Mr. Malinsky:

Re: COW2011000600

You appealed the action of the National Records Center regarding your request for access to records pertaining to Overseas Tracking System, dated July 25, 2011. You specifically appealed the original determination of the National Records Center to withhold Names of Government Officials, Problems with Caseload or Caseload Issues, Trends Observed, Policy Guidance and primary and Secondary Findings.

After careful consideration of your appeal, we have decided to affirm the initial action in this case. We have determined that the National Records Center properly withheld certain information that is protected from disclosure under the Freedom of Information Act and that this information is not appropriate for discretionary release.

In your appeal letter, you requested a Vaughn index; however, at this stage a Vaughn index is not given or required. *See Vaughn v. Rosen*, 484 F. 2d 820 (D.C. Cir. 1973). Your request that we itemize and justify each item of the information withheld is denied. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. *See Judicial Watch v. Clinton*, 880 F.Supp. 1,11 (D.C. Cir. 1995).

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B). The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.

Sincerely,

Alan D. Hughes, Associate Counsel  
Commercial and Administrative Law Division  
Department of Homeland Security  
Citizenship and Immigration Services